United Nations A/ES-10/461 S/2009/453

General Assembly
Security Council

Distr.: General
11 September 2009

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 10 September 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I regret to once again draw your attention to continuing illegal settlement activities by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem.

In yet another repugnant display of defiance, the Israeli Government this week announced the official approval of the construction of hundreds of more new settlement units on confiscated lands in the Palestinian Territory it has militarily occupied since 1967. In this regard, it has been announced that at least 450 settlement units, including in a new settlement in the Jordan Valley area, are planned to be built in addition to Israel's declared intention to proceed with the construction of over 2,000 other settlement units throughout the West Bank, including in and around East Jerusalem.

At the same time, in addition to numerous other ongoing colonization activities, I must inform you of recent reports concerning unlawful and provocative excavations that continue to be perpetrated by Israel in occupied East Jerusalem. The Al-Asqa Foundation for Heritage and Waqf has reported that the "Israeli Antiquities Authority", in cooperation with the "Elad" settler organization, has already dug a 120-meter long tunnel from underneath the Silwan neighbourhood in Jerusalem towards the Al-Haram Al-Sharif compound in the Old City of Jerusalem. Such illegal actions must be vociferously denounced, for, in addition to altering the character and geographic nature of occupied East Jerusalem, such actions also risk further aggravating political and religious sensitivities, tensions and instability in the City, which are already at high levels.

The illegality of all Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, has been definitively established and is absolutely indisputable. The international consensus in this regard is firm, deriving its strength from the rules and principles of international law that prohibit any

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colonization activities by an occupying Power in the territory it has occupied and prohibit completely the acquisition of territory by force.

We thus reiterate that Israel's settlement activities — including, but not limited to, the construction of settlements and network of settlement infrastructure, the transfer of Israeli settlers and permissiveness regarding their violent and criminal behaviour, and the construction of the annexation Wall in the Palestinian Territory — constitute deliberate and grave breaches of international law, including provisions of the Fourth Geneva Convention, Protocol I Additional to the Geneva Conventions and the Rome Statute of the International Criminal Court, as well as blatant violations of numerous Security Council and General Assembly resolutions, which explicitly call upon Israel to, inter alia, cease immediately all settlement activities and abide by its legal obligations as an occupying Power.

Of course, Israeli settlement activities also constitute blatant disrespect of the 9 July 2004 advisory opinion of the International Court of Justice, which directly addressed Israel's illegal settlement campaign in the Occupied Palestinian Territory and the unquestionable link to its construction of the Wall, both unlawful enterprises aimed at vastly altering the physical landscape and demographic composition of the Territory, particularly in and around East Jerusalem.

In addition, Israel's continued pursuit of settlement activities is in direct contravention to its obligations under the Quartet road map to freeze all settlement activities, including "natural growth", and to dismantle all settlement outposts erected since March 2001. Thus, rather than committing itself to the cause of making peace and conducting itself in a manner consistent with its legal obligations and international commitments and aimed at building confidence and trust, Israel remains intransigent, choosing instead to continue this destructive and unlawful settlement campaign, placing further obstacles on the path to peace.

Indeed, Israel's declared intention to continue settlement construction represents a direct affront to the international and regional efforts, in particular the efforts of the United States at this critical juncture, aimed at creating a climate appropriate for resumption of peace negotiations. Once again, Israeli's readiness, willingness and credibility as a partner for peace are in serious question.

Furthermore, as Israel continues to act illegally, unilaterally and deceitfully, it is not only undermining faith in the peace process and minimizing the prospects for its resumption, it is also methodically undermining the prospects for physically realizing the two-State solution for peace on the basis of the 1967 borders. This must be cause for alarm for the international community, and requires that appropriate and concerted action be taken by all concerned, including the Security Council, to bring an end to such Israeli impunity and flagrant disregard for the law and to truly promote the international consensus in rejection of settlement activities and in support for the two-State solution and the achievement of a just, lasting and comprehensive peace. The Palestinian leadership reiterates its readiness to uphold its obligations and to cooperate with the international community in this regard towards achievement of our common goal of justice and peace.

This letter is in follow-up to our previous 342 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 3 August 2009 (A/ES-10/459-S/2009/401), constitute a basic record

of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations